

David B. Markowitz, OSB #742046
DavidMarkowitz@MarkowitzHerbold.com

Laura Salerno Owens, OSB #076230
LauraSalerno@MarkowitzHerbold.com

Harry B. Wilson, OSB #077214
HarryWilson@MarkowitzHerbold.com

Lauren F. Blaesing, OSB #113305
LaurenBlaesing@MarkowitzHerbold.com

Vivek A. Kothari, OSB #182089
VivekKothari@MarkowitzHerbold.com

MARKOWITZ HERBOLD PC

1455 SW Broadway, Suite 1900

Portland, OR 97201

Telephone: (503) 295-3085

*Special Assistant Attorneys General for Defendants
Additional Counsel of Record Listed on Signature Page*

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

WYATT B. and NOAH F. by their next friend
Michelle McAllister; KYLIE R. and ALEC R.
by their next friend Kathleen Megill Strek;
UNIQUE L. by her next friend Annette Smith;
SIMON S. by his next friend Paul Aubry;
RUTH T. by her next friend Michelle Bartov;
BERNARD C. by his next friend Ksen Murry;
NAOMI B. by her next friend Kathleen
Megill Strek; and NORMAN N. by his next
friend Tracy Gregg, individually and on
behalf of all others similarly situated,

Case No. 6:19-cv-00556-AA

**DEFENDANTS' COUNTER-
DESIGNATIONS**

Plaintiffs,

v.

TINA KOTEK, Governor of Oregon in her
official capacity; FARIBORZ
PAKSERESHT, Director, Oregon Department
of Human Services in his official capacity;
APRILLE FLINT-GERNER, Director, Child
Welfare in her official capacity; and OREGON
DEPARTMENT OF HUMAN SERVICES,

Defendants.

INTRODUCTION

Pursuant to the Court's April 19, 2024 Minute Order (ECF 382) adopting the Stipulated Amended Case Schedule (ECF 377), defendants hereby provide the following counter-designations, to be considered in conjunction with defendants' objections to plaintiffs' deposition designations (ECF 427), filed concurrently. Defendants hereby incorporate their general and specific objections to plaintiffs' deposition designations, as detailed in ECF 427. Defendants further offer counter-designations as described below, in light of any evidentiary rulings by the Court on these or other objections, or for purposes of rebuttal.

COUNTER-DESIGNATIONS

Witness	Designation
Nancy Allen (August 29, 2023)	27:24-28:3, 29:1:4, 37:6-9, 45:9-13, 49:19-23, 52:14-53:2, 90:9-91:24
Lacey Andresen (June 15, 2023)	15:14-25, 21:21-22:25, 37:22-24, 43:2-9, 92:5-93:23, 94:25, 103:6-9, 103:16-104:4, 107:12-23, 108:23-25, 117:24-120:17, 142:16-143:25, 144:8-21, 153:19-154:5,
Uma Ahluwalia (March 19, 2024)	11:3-12:3, 21:11-3, 25:7-22, 31:23-32:14, 52:24-53:4, 57:20-21, 59:10-21. 60:14-18, 60:23
Stacey Ayers (December 1, 2021)	42:1, 53:16-17, 64:8-9, 78:22-25, 87:1-3, 94:2-10, 94:21-25, 95:1-24, 114:22-24, 217:13-25, 218:1-5
Stacey Ayers (May 16, 2022)	19:4-23:2, 25:14-23, 26:2-16, 50:3-15, 60:5-13, 62:11-63:11
Jim Dimas (March 13, 2024)	88:22-89:13, 114:1-11, 118:5-119:17, 127:21-128:2, 152:1-155:1, 157:11-158:25, 184:19-185:1, 53:25, 103:24-104:3, 124:13-16,
Aprille Flint-Gerner (September 12, 2023)	50:9-21, 54:20-23, 56:4-8, 60:3-61:1, 64:6-17, 75:14-20, 76:4-8

Witness	Designation
Sara Fox (September 14, 2023)	21:24-22:17, 23:17-24:2, 25:16-25, 26:5-10, 29:13-17, 31:18-32:8, 35:24, 36:8-10, 36:19-20, 41:3-42:1, 42:12-14, 43:1-3, 42:23-25, 44:7-8, 45:1, 51:7-10, 51:20-52:8, 58:17-20, 64:6-7, 64:11-12, 64:17-21, 70:3-4, 70:24-71:2, 71:11-23, 77:23-14, 81:15-16, 82:1-5, 83:8-12, 98:1, 100:23-101:2, 107:20-112:3, 112:5-25, 113:16-114:12, 116:10-11, 116:13-16, 118:1-5, 117:18-25, 127:3-8, 127:13, 150:12-24, 152:16-19, 152:21-25, 153:22-25, 190:22-191:21, 194:1-4. 207:13-208:2. 209:7-210:6, 214:8-25, 216:15-217:1, 230:5-231:1, 239:5-6
Kevin George (December 10, 2020)	68:4, 68:22-23, 190:21-191:16, 191:18-24
Rebecca Jones Gaston (March 15, 2022)	
Rebecca Jones Gaston (June 28, 2022)	
Kim Keller (September 13, 2023)	21:25-23:03, 51:05-51:25, 119:10-120:5, 123:02-124:10, 26:14-27:04, 120:12-23, 81:9-83:17
Deena Loughary (September 11, 2023)	20:07-14, 25:14, 25:25, 26:09-12 , 26:17-23, 26:25–28:11, 28:15-1, 29:18-30:09, 30:14-18, 30:20-24 , 31:19-21, 33:10-40:19, 34:06-35:08 , 35:17-23, 37:20-25, 39:19-40:19, 42:05-15, 46:02-46:22, 47:13-25, 50:19-52:12, 54:23-55:02, 64:08-64:18, 65:02-05., 67:06-67:25, 68:3, 73:02-74:01, 78:01-79:01, 80:06 – 80:18, 108:19-25, 109:15-23, 115:07-12, 120:18-121:22, 134:20, 153:12-154:04, 182:01-04, 21:02-11
Glenda Marshall (September 7, 2023)	18:1-22, 24:23-25:22, 45:22-23, 66:15-67:8, 91:15-92:1, 99:12-17, 178:23-179:14
Bowen McBeath (April 19, 2024)	Transcript not yet available
Stacey Moss (March 18, 2024)	34:21-35:13, 35:20-25, 37:13-38:3, 39:4-9, 40:1-40:11, 42:15-20, 160:18-161:22, 162:1-5, 163:16-164:10, 164:15-20
Cynthia Richter-Jackson (March 29, 2024)	Transcript not yet available

Witness	Designation
Peter Rosenblatt (December 17, 2020)	50:12-20, 51:4-9, 52:14-21,111:23-114:8 ,134:21-136:25, 138:18-139:8, 140:13-15, 140:18-141:5, 172:3-173:13
Sarah Vinson (April 25, 2024)	Transcript not yet available
Desta Walsh (February 26, 2021)	23:21-24, 33:1-20, 40:4-43:4, 99:5-25, 113:22-116:5

DATED: April 26, 2024.

ELLEN ROSENBLUM
ATTORNEY GENERAL
FOR THE STATE OF OREGON

s/Laura Salerno Owens

David B. Markowitz, OSB #742046
 DavidMarkowitz@MarkowitzHerbold.com
 Laura Salerno Owens, OSB #076230
 LauraSalerno@MarkowitzHerbold.com
 Harry B. Wilson, OSB #077214
 HarryWilson@MarkowitzHerbold.com
 Lauren F. Blaesing, OSB #113305
 LaurenBlaesing@MarkowitzHerbold.com
 Vivek A. Kothari, OSB #182089
 VivekKothari@MarkowitzHerbold.com
Special Assistant Attorneys General for Defendants

Adele J. Ridenour, OSB #061556
 AdeleRidenour@MarkowitzHerbold.com
Of Attorneys for Defendants

Carla A. Scott, OSB #054725
 carla.a.scott@doj.state.or.us
 Sheila H. Potter, OSB #993485
 sheila.potter@doj.state.or.us
Of Attorneys for Defendants

2135537.1